

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE ADDENDUM NO. 1 TO

RESOLUTION NO. R9-2003-0391

**AN EMERGENCY CONDITIONAL TEMPORARY WAIVER OF STATUTORY
REQUIREMENTS TO FILE A REPORT OF WASTE DISCHARGE AND FOR
ADOPTION OF WASTE DISCHARGE REQUIREMENTS FOR MANAGEMENT
AND DISPOSAL OF SOLID WASTE FROM THE 2003 WILDFIRE
DESTRUCTION IN THE SAN DIEGO REGION.**

1. The devastation caused by the Cedar, Paradise, Otay, Camp Pendleton, and Mountain wildfires have resulted in widespread damage to private and public property in the San Diego Region. The destruction of structures and facilities by the wildfires has created an extraordinary volume of solid waste consisting of or containing pollutants that could affect the quality of waters within the San Diego Region. The nature of these waste could include, but is not limited to, burn-ash, concrete, wood, green waste, electrical appliances, computer equipment, dead animals, food, cars, chemicals, paint, refrigerators, etc.
2. On October 26, 2003, the Governor issued a proclamation identifying the County of San Diego as being in a state of emergency. That proclamation is still in effect for San Diego County.
3. Temporary waste staging areas are areas of land, or a portion of a waste management facility, at which waste is temporarily discharged, stored, and treated (sorting of recyclables) and where containment features and ancillary features for precipitation and drainage control are present. Temporary waste staging areas are temporary de facto waste management units.
4. The owners/operators of the existing municipal solid waste landfills in the San Diego Region, identified in Finding No. 4 of this Resolution, have found it expedient to establish temporary waste piles (for purposes of waste staging) at their facility to facilitate the emergency cleanup and disposal of wildfire related solid wastes.
5. Other agencies and jurisdictions, or persons, engaged in cleanup of burned areas within the San Diego Region, have also found it expedient to establish temporary staging areas (temporary waste piles for short-term storage and treatment of waste from the cleanup of burned areas) that are not located at regulated waste management units or solid waste disposal facilities and have not been classified as suitable for particular categories of solid waste management.

6. As of March 8, 2004, the Regional Board and the County of San Diego Department of Public Works estimate that the cleanup of wildfire related solid wastes is between 40 and 50 percent complete.
7. On June 30, 2004, the conditional waiver of statutory requirements included in Resolution No. R9-2003-0391 will automatically expire unless the Regional Board takes action to extend, revise, or rescind these requirements.
8. Waiver of reports of waste discharge and waste discharge requirements are categorically exempt from California Environmental Quality Act (CEQA) documentation because the waiver would apply only to emergency activities in a disaster area in which a statue of emergency has been proclaimed by the Governor [Title 14, California Code of Regulations, Section 15269].

BE IT RESOLVED THAT,

1. This conditional wavier of statutory requirements in Sections 13260(a) and (b), 13263(a), and 13264(a) of the California Water Code shall remain in effect until **September 30, 2005**, unless the Regional Board takes action to extend, revise, or rescind these requirements.
2. The Regional Board may consider extending the waiver in particular cases for good cause, provided that a letter of request from the discharger is received at least 10 working days prior to the maximum period allowed under the applicable Conditions.
3. The Regional Board may issue specific waste discharge requirements for discharges of waste derived from burned areas in the San Diego Region.
4. Any waiver of waste discharge requirements is conditional, may be terminated at any time, does not authorize or excuse an illegal discharge, does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners, and does not preclude the Regional Board from administering enforcement remedies pursuant to Section 13300, et seq., of the California Water Code.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Addendum No. 1 to an emergency Resolution issued by the California Regional Water Quality Control Board, San Diego Region on April 14, 2004.

TENTATIVE

John H. Robertus

Tentative Addendum No. 1 to
Resolution R9-2003-0391: Conditional
Waiver for Management of Solid Wastes
from Cleanup of Wildfires in the
San Diego Region

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Executive Officer